

AMENDED IN SENATE JUNE 13, 1996
AMENDED IN ASSEMBLY APRIL 18, 1996
AMENDED IN ASSEMBLY MARCH 28, 1996

CALIFORNIA LEGISLATURE—1995–96 REGULAR SESSION

ASSEMBLY BILL

No. 2558

Introduced by Assembly Member Alby

February 21, 1996

An act to amend Sections 41950, 41951, 41953, and 41955 of, and to add Section 41956 to, the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

AB 2558, as amended, Alby. Solid waste: unlawful acts.

(1) Existing law, the California Integrated Waste Management Act of 1989, regulates the management and handling of solid waste and is administered by the California Integrated Waste Management Board. Existing law authorizes the imposition of specified damages or civil penalties for the unauthorized removal of specified recyclable materials. A violation of those provisions is also a misdemeanor, punishable as prescribed.

This bill would also authorize the imposition of those damages or civil penalties for the removal of specified segregated waste materials.

The bill would specify, that, unless otherwise provided by contract, from the time that recyclable materials are placed at the designated recycling location by any commercial; *or*

industrial, ~~or other nonresidential~~ entity, the recyclable materials are the property of the authorized recycling agent.

The bill would authorize a court, in any civil action by a recycling agent against a person alleged to have violated these provisions for a second, or subsequent time, in any 12-month period, to either allow treble damages, as measured by the market value of the recycled material removed, or award a civil penalty of not more than \$5,000, whichever is greater, for each unauthorized removal against the unauthorized person removing the recyclable material.

The bill would permit a violation where the value of the stolen material is more than \$50, but less than \$400, to be charged as either a misdemeanor or an infraction, thereby imposing a state-mandated local program by redefining a crime.

The bill would authorize the board to award special enforcement grants to cities or counties to support pilot programs designed to develop and evaluate enforcement techniques to reduce the theft of recyclable materials from commercial, industrial, or other nonresidential establishments.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 41950 of the Public Resources
2 Code is amended to read:
3 41950. (a) No person, other than the authorized
4 recycling agent of the city or county, shall remove paper,
5 glass, cardboard, plastic, used motor oil, ferrous metal,
6 aluminum, or other recyclable materials which have been
7 segregated from solid waste materials and placed at a
8 designated recycling collection location for residential



1 curbside collection programs authorized by a city,
2 county, or local agency for the purposes of collection and
3 recycling.

4 (b) No person shall be subject to an action for a
5 violation of this section, unless the person knows, or
6 reasonably should know, that the materials would
7 otherwise be collected by the authorized recycling agent
8 for residential curbside collection programs authorized
9 by a city, county, or local agency for the purpose of
10 recycling the materials.

11 (c) From the time that the recyclable materials
12 specified in subdivision (a) are placed for collection at
13 curbside, for a residential curbside collection program
14 authorized by a city, county, or local agency, the
15 recyclable materials are the property of the authorized
16 recycling agent.

17 SEC. 2. Section 41951 of the Public Resources Code is
18 amended to read:

19 41951. (a) *For the purposes of this section,*
20 *“commercial entity” includes a multifamily residential*
21 *complex.*

22 (b) Unless otherwise provided by contract, paper,
23 glass, cardboard, plastics, used motor oil, ferrous metal,
24 aluminum, and other recyclable materials, which have
25 been segregated from other waste materials, and placed
26 at the designated recycling collection location by any
27 commercial, ~~industrial, or other nonresidential~~ *or*
28 *industrial* entity, shall not be removed by anyone other
29 than the authorized recycling agent.

30 ~~(b)~~

31 (c) Unless otherwise provided by contract, from the
32 time that the recyclable materials specified in subdivision
33 ~~(a)~~ *(b)* are placed at the designated recycling location,
34 the recyclable materials are the property of the
35 authorized recycling agent.

36 SEC. 3. Section 41953 of the Public Resources Code is
37 amended to read:

38 41953. (a) In any civil action by a recycling agent
39 against a person alleged to have violated Section 41950 or
40 41951, the court may either allow treble damages, as

1 measured by the market value of the recyclable material
2 removed, or award a civil penalty of not more than two
3 thousand dollars (\$2,000), whichever is greater, for each
4 unauthorized removal, against the unauthorized person
5 removing the recyclable material.

6 (b) In any civil action by a recycling agent against a
7 person alleged to have violated Section 41950 or 41951 for
8 a second, or subsequent time, in any 12-month period, the
9 court may either allow treble damages, as measured by
10 the market value of the recyclable material removed, or
11 award a civil penalty of not more than five thousand
12 dollars (\$5,000), whichever is greater, for each
13 unauthorized removal against the unauthorized person
14 removing the recyclable material.

15 SEC. 4. Section 41955 of the Public Resources Code is
16 amended to read:

17 41955. If the value of the stolen material is more than
18 fifty dollars (\$50), but less than four hundred dollars
19 (\$400), a violation of this part may be charged as either
20 a misdemeanor or an infraction. A violation after a second
21 conviction within a 12-month period shall be charged as
22 a misdemeanor punishable pursuant to Section 19 of the
23 Penal Code.

24 SEC. 5. Section 41956 is added to the Public Resources
25 Code, to read:

26 41956. The board may award special enforcement
27 grants to cities or counties to support pilot programs
28 designed to develop and evaluate enforcement
29 techniques to reduce the theft of recyclable materials
30 from commercial, industrial, or other nonresidential
31 establishments.

32 SEC. 6. No reimbursement is required by this act
33 pursuant to Section 6 of Article XIII B of the California
34 Constitution because the only costs that may be incurred
35 by a local agency or school district will be incurred
36 because this act creates a new crime or infraction,
37 eliminates a crime or infraction, or changes the penalty
38 for a crime or infraction, within the meaning of Section
39 17556 of the Government Code, or changes the definition

1 of a crime within the meaning of Section 6 of Article
2 XIII B of the California Constitution.
3 Notwithstanding Section 17580 of the Government
4 Code, unless otherwise specified, the provisions of this act
5 shall become operative on the same date that the act
6 takes effect pursuant to the California Constitution.

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